

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ANDREA VARGAS, JUAN VARGAS,
personally, and as father of JV, a minor,
and ADAM VARGAS, DANNY VARGAS,
CODY OLACHEA, and KAYSHA SAIZ,

Plaintiffs,

vs.

CV 11-00082 JCH/CG

OFFICER MIKE BRISENO, OFFICER DAVID GRIEGO, SERGEANT ROBERT PEREZ, OFFICER ERIC HAANES, OFFICER JOHN GARCIA, and OFFICER DAVID ROCK, police officers employed by the City of Farmington, New Mexico, Police Department, all named individually as to the events of July 7, 2008, and individually and in their official capacities as to the events of September 3, 2009, and, LIEUTENANT NEIL HAWS, SERGEANT MATT WILCOX, and OFFICER CARLOS LOOMIS, sheriff's officers employed by the San Juan County Sheriff's Office, all named individually as to the events of July 7, 2008, and individually and in their official capacities as to the events of September 3, 2009, and OFFICER ROCKY VELARDE, a police officer employed by the New Mexico State Police individually as to the events of July 7, 2008, and individually and in his official capacity as to the events of September 3, 2009, and OTHER UNKNOWN POLICE OFFICERS, employees of law enforcement entities of the State of New Mexico or its political subdivisions, individually as to the events of July 7, 2008, and individually and in their official capacities as to the events of September 3, 2009,

Defendants.

ORDER DENYING AMENDED MOTION TO WITHDRAW

THIS MATTER comes before the Court on Attorney Santiago Juarez's *Amended Motion to Withdraw as Counsel and Stay Litigation Until New Counsel is Retained by Plaintiffs*. (Doc. 65). The Court, having considered the motion, having heard from the parties at a telephonic hearing on February 23, 2012, and otherwise being fully advised in

the premises, finds the motion not to be well-taken and will be **DENIED**.

The instant motion is Mr. Juarez's fourth attempt to withdraw as counsel for some or all of the Plaintiffs in this case. (See, Doc. 34; Doc. 35; Doc. 63; Doc. 65). All four motions have failed to comply with the local rules of civil procedure for the District of New Mexico. (Doc. 36 at 2-3; Doc. 64 at 2). The Court has repeatedly informed Mr. Juarez of the steps he needs to take in order to comply with D.N.M.L.R. 83.8 - the local rule governing the withdrawal of attorneys. (Doc. 36 at 2; Doc. 64 at 2 ("Should Mr. Juarez wish to pursue the motion to withdraw, he is instructed to re-file the motion and indicate the consent of the Plaintiffs or to provide proof that he served the motion on all parties, including the five remaining Plaintiffs at their last known addresses, advising them of their opportunity to object . . .")). Despite the Court's repeated and explicit instructions, Mr. Juarez's current motion does not comply with the local rule because he has neither indicated the consent of the Plaintiffs pursuant to rule 83.8(a), nor complied with the service and notice provisions of rule 83.8(b).

IT IS THEREFORE ORDERED that Mr. Juarez's *Amended Motion to Withdraw as Counsel and Stay Litigation Until New Counsel is Retained by Plaintiffs*, (Doc. 65), be **DENIED**.

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', with a long horizontal line extending to the right.

THE HONORABLE CARMEN E. GARZA
UNITED STATES MAGISTRATE JUDGE